

REMARKS

This application was filed with twenty-four (24) claims. Claims 1-24 were previously canceled. New Claims 25-46 were added by prior Amendment, including two claims mistakenly designated as Claim 28.

In this Response and Amendment, Claim 27 has been canceled and the first of the duplicate Claims 28 has been renumbered Claim 27. Claims 35, 42 and 46 have also been canceled.

Claims 25-31, 33-46 have been rejected. Claim 32 has been deemed allowable if amended to independent form.

Claims 25, 28, 29, 30, and 33 have been amended. Therefore, Claims 25, 26, 28-34, 36-41 and 43-45 are pending in the Application.

Reconsideration of the application based on the remaining claims as amended and arguments submitted below is respectfully requested.

Claim Rejections - 35 U.S.C. § 112

Claims 29, 30 and 35 have been rejected under 35 U.S.C. 112, as being indefinite for failing to point out and distinctly claim the subject matter which Applicant regards as the invention.

In response, Applicant has amended Claim 29 to clarify that the turbine (which forms part of the emergency power generating unit defined in Claim 25) operates at an angular velocity corresponding to its rotation speed.

Applicant has also amended Claim 30 to change “frequency” to “velocity.”

Claim 35 has been canceled.

Based on these amendments, Applicant respectfully requests that the rejection of Claims 29 and 30 under § 112 be withdrawn.

Claim Rejections - 35 U.S.C. § 102

Claims 25-31, 33-36 and 39-45 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Biess et al (US 6,928,972).

Applicant respectfully submits that Biess does not disclose all of the limitations of Claim 25 as amended.

Regarding Claim 25, Biess describes an auxiliary power unit (APU) and controller for a diesel locomotive. In particular, the Biess APU is designed to provide auxiliary power to the diesel engine itself so that the engine may be shut down in all weather conditions. Thus, the APU is mounted within the cab of the diesel locomotive. (See Biess col. 3, lines 5-7 and Fig. 1.)

In contrast, the turbine, generator and inverter of the emergency power generating unit of the present invention, as defined in Claim 25, are mounted to a frame that is mountable below the floor of a train carriage that is separate from the locomotive. In the words, the apparatus of the present invention as claimed is configured for mounting in an entirely different location because it serves an entirely different purpose.

Regarding Claim 27, the Biess APU is not coupled to an air conditioning unit associated with the train carriage.

Regarding Claim 29, Biess does not disclose a control circuit receiving an input signal associated with the operating angular velocity of the turbine, the control circuit being operable to adjust the operating angular velocity to a desired operating angular velocity.

Regarding Claim 30, Biess does not disclose a control circuit that is operable to control the opening and closing of a fuel regulation valve to adjust the operating angular velocity of the turbine.

Regarding Claim 31, Biess does not disclose a control circuit operable to generate an output signal to open and close air exchange apertures in the train carriage.

Regarding Claim 33, Biess does not disclose: (a) a train carriage having an emergency generating unit in which the train carriage is separate from the locomotive; (b) a carriage body having a floor and a compartment located below the carriage floor; and (c) frame mounted in the compartment.

Regarding Claim 34, Biess does not disclose a carrying structure defined by the compartment, the frame and the carrying structure being attached so that the carrying structure supports the frame.

Regarding Claim 36, Biess does not disclose a fuel tank being secured within the compartment beneath the floor of the train carriage.

Regarding Claim 39, Biess does not disclose a turbine secured to the frame within the compartment beneath the floor of the train carriage.

Regarding Claim 41, Biess does not disclose a compartment beneath the floor of the train carriage that is divided into a first section having a fuel tank and a second section having the frame.

Claim 42 has been canceled.

Regarding Claim 43, Biess does not disclose an electric generator having an output terminal connected so that the electric power signal can power the air conditioning system in the train carriage.

Regarding Claim 44, Biess does not disclose a carriage body that is a passenger car body.

Regarding Claim 45, Biess does not disclose: (a) an electrically controlled closing member having an open position that opens an external AC air vent and a closed position that closes the external air vent; or (b) a control circuit transmitting a closing signal that positions the closing member in the closed position when the electric generator is running at high power and in an open position when the electric generator is running at low power.

For each of the foregoing reasons, the rejection of Claims 25, 26, 28-31, 33, 34, 36, 39-41, and 43-45 under 35 U.S.C. § 102(e) should be withdrawn.

Claim 46 has been rejected under 35 U.S.C. § 102(b) as being anticipated by Alexander et al (US 2,541,904). Claim 46 has been canceled, rendering this rejection moot.

Claim Rejections - 35 U.S.C. § 103

Claims 37 and 38 have been rejected under 35 U.S.C. § 103(as) as being unpatentable over Biess et al (US 6,928,972).

Claims 37 and 38 are dependent on Claim 33 which includes a train carriage having an emergency generating unit in which the train carriage is separate from the locomotive; (b) a carriage body having a floor and a compartment located below the carriage floor; and (c) frame mounted in the compartment. As noted above with respect to Claim 33, Biess does not disclose any of these features.

Allowable Subject Matter

Applicant acknowledges the allowance of Claim 32 if re-written in an independent form. Applicant submits, based on the arguments above, that Claim 32 is allowable as being dependent on Claim 25.

Applicant has commented on some of the distinctions between the cited references and the claims to facilitate a better understanding of the present invention. This discussion is not exhaustive of the facets of the invention, and Applicant hereby reserves the right to present additional distinctions as appropriate. Furthermore, while these remarks may employ shortened, more specific, or variant descriptions of some of the claim language, Applicant respectfully notes that these remarks are not to be used to create implied

limitations in the claims and only the actual wording of the claims should be considered against these references.

Pursuant to 37 C.F.R. § 1.136(a), Applicant petitions the Commissioner to extend the time for responding to the Office Action for 2 months from March 8, 2009, to May 8, 2009. The Commissioner is authorized to charge Deposit Account No. 23-0035 in the amount of \$490.00 for the petition fee.

The Commissioner is authorized to charge any deficiency or credit any overpayment associated with the filing of this Response to Deposit Account 23-0035.

Respectfully submitted,

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